



Texas Department of Insurance

Division of Workers' Compensation

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Memorandum

To: Workers' Compensation System Participants

From: Tracey Beaver, Director of the Office of Workers' Compensation Counsel

Date: December 19, 2013

Subject: Informal Rule: Amend 28 Texas Administrative Code §152.4 Regarding Guidelines for Legal Services Provided to Claimants and Carriers

The Division of Workers' Compensation is accepting comments on an informal rule to amend 28 TAC §152.4 regarding Guidelines for Legal Services Provided to Claimants and Carriers. The informal rule was published on December 19, 2013 and may be viewed on the Texas Department of Insurance website at <http://www.tdi.texas.gov/wc/rules/drafts.html>. The comment period on the informal rule closes on January 31, 2014 at 5 p.m. Central Standard Time.

This informal rule is not a formal rule proposal. Accordingly, comments will not be treated as formal public comment for the purposes of the Administrative Procedure Act. In addition to commenting on this informal rule, there will be the opportunity to formally comment once the rule is proposed and published in the *Texas Register*. The informal rule may contain drafting notes and formatting which will be changed as necessary to comply with the *Texas Register* formatting.

Informal comments may be submitted by e-mailing InformalRuleComments@tdi.texas.gov or by mailing or delivering the comments to:

Division of Workers' Compensation
Maria Jimenez
Workers' Compensation Counsel, MS-4D
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The purpose of the informal rule is to request input from workers' compensation system participants increasing the maximum hourly fees for legal services charged by claimant and insurance carrier attorneys. New language in the informal draft clarifies the limited exception to the maximum fee limitations of the guidelines. The informal draft also increases the allowable total hours an attorney can bill for communications, direct dispute resolution, and settlements or agreements.

If there are any questions regarding the information in this memo, contact Matthew Pena at 512-804-4774 or Matthew.Pena@tdi.texas.gov.